The applicant forwarded comments to the draft permit on 4/12/16. Following is the Department's response.

1. "Stormwater associated with Industrial activities" was removed from the 002, 004, and all stormwater effluent description and replaced with "stormwater". ARG wishes to have the language "stormwater associated with industrial activities" remain in the new permit based on the two different definitions.

   The final permit will be revised to include this qualifying statement.

2. "Lube Oil Processing" was removed from the 002 effluent description. Can this remain in the new permit's description since nothing has changed and it's used in the ELG calculations?

   The final permit will be revised to include this qualifying statement.

3. Is there a new regulatory driver for the annual stormwater inspection to be submitted to DEP annually (under permit part IV section D, 1.)? ARG conducts these annually, but is checking if anything changed.

   There has been no regulation change related to the annual submission requirement. The wording is standardized language in the updated stormwater special condition. Our Operations Section indicated that keeping copies of those inspections on-site has worked well and continuing that practice is acceptable. Therefore, the wording in the condition has been changed to:

   > The permittee shall conduct an annual inspection of each outfall identified in paragraph A and record the results on the "Annual Inspection Form for NPDES Permits for Discharges of Stormwater Associated with Industrial Activities" (3800-PM-WSFR0083v). The permittee shall **maintain a record** ~~submit a copy~~ of the completed ~~and signed~~ Annual Inspection Forms for ~~to~~ DEP **review**. ~~at the address provided in Part A III.B.3 of this permit by January 28 of each year~~.

4. Attached you will find a copy of ARG's updated PPC plan. This is the current version which was updated July of 2014.

   So noted. The report will be reviewed by our Operations Section and subsequently sent to file.

Comments were also received from EPA in a 4/14/16 e-mail. The issues raised and the Department's response follows.

1. Part C.IV.C (*Minimum Required BMPs*)of the draft permit states that for industrial facilities, the permittee shall implement the BMPs in the applicable Appendix to the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities (NPDES PAG-03) that is currently in effect. Based on the facility's SIC Code (2911), Appendix F is the applicable appendix. It is our understanding that there are no sector-specific BMPs for this appendix listed in the NPDES PAG-03; however, Part C.II of the NPDES PAG-03 contains BMPs that are applicable to all permittees. The draft permit should explicitly state the BMPs that are applicable to all permittees, in addition to referencing the appropriate appendix.

The three BMP's listed in the PAG-03 permit for SIC code 2911 were inserted into the final permit. These are the same BMP's found in the previous permit. This is being done in lieu of the general reference to the PAG-03 found in the standard special condition language. The permit changes look like the following:

C. Minimum Required BMPs

In addition to BMPs identified in the PPC Plan, the permittee shall implement the following minimum BMPs relating to stormwater pollution prevention:

~~1. If applicable, post-construction stormwater BMPs that are required under 25 Pa. Code Chapter 102 must be maintained.~~

~~2. For industrial facilities, the BMPs in the applicable Appendix to the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities that is currently in effect.~~

1) Provide for secondary containment around asphalt and petroleum product tanks; install leak detection devices

2) When appropriate, use oil/water separators and/or equivalent methods to prevent the discharge of oil and grease in stormwater drainage.

3) Periodically remove fugitive dust and spilled materials from the site.

2. Due to the processes at this facility, it appears that the facility may have a heat transfer process which may trigger the installation of a cooling water system and the discharge of heated water; therefore, CWA 316(a) and/or CWA 316(b) may apply. There is not enough information in the fact sheet to determine whether or not CWA 316(a) and CWA 316(b) applies to this facility. Please provide more information about the facility in regard to the cooling water system and the discharge of heated water.

This question is only applicable to Outfall 002. If you look at the renewal application sampling results they show that the influent temperature was measured to be 80.8 °F and the effluent was 92.1 °F. Modeling was not part of this permit review since the last evaluation implied that such an evaluation did not result in a need to impose water quality based limits. In order to satisfy EPA's concern, such a modeling exercise was conducted and included as part of the fact sheet/pollution report. This modeling confirmed that there is no reasonable potential to exceed any of the monthly temperature criteria for the receiving stream.

3. It appears that the following section (Part C.VIII: *Additional Recovery Well Sampling Requirement*) is included in the current permit; however, it was not included in the draft permit:

"For purposes of developing effluent limits for the proposed addition of remediated groundwater at the existing Outfall 004, Recovery wells RW-SPL-22/24 and RW-SPL-26 were sampled and tested to show expected influent concentrations from the recovery wells. Samples were collected from these wells after one hour of pumping.

Since an additional five recovery wells are planned to be installed in the future, additional sampling must be done for the same parameters and the same sampling protocol as was used for the 1/31/2012 sampling event for each new well or combined mixture of these wells. If additional wells beyond the current plan are to be remediated and treated at the Foster Brook Facility, the same sampling procedure must be

followed. The results of sampling from these additional sources shall be submitted and approved by the Department prior to sending to the treatment facility."

Please provide an explanation regarding the removal of this requirement in the fact sheet.

This permit condition is now obsolete. This was verified by Jacob Skudlarek, ARG in the following e-mail response:

'We have had the 5 additional wells installed for a couple years now so it doesn't really apply to that. But we can leave a condition in that states if we install any more we have to follow that procedure that is discussed. I'll also note we have no plans to install any more wells, and are actually tentatively hoping to phase out the groundwater system in the next year or two. This is why we didn't really take notice to it being removed'.

Based on this information, the draft permit does not need to be changed.

4. Based on the fact sheet, the average monthly, maximum daily and instant maximum allowable concentrations were calculated for the applicable Effluent Limitations Guidelines (ELG) parameters; however only the instant maximum concentrations were included in the draft permit. Please explain why the average monthly and maximum daily concentrations were not included in the draft permit.

The permit limitations were designed using the guidelines in the Department's 'Technical Guidance for the Development & Specification of Effluent Limits' – doc. no. 362-0400-001. Chapter 5 – Specifying Effluent Limits in NPDES Permits contains a Table 5-2 that outlines how to express industrial waste discharge limits according to whether they are tech-based mass, tech-based concentration or water quality based. For Outfall 002, the limits in question are all tech-based mass, which by Table 5-2 conventions, only requires numeric effluent limits for average monthly and daily maximum mass and instantaneous maximum concentration. If any of those parameters were water quality based then the other two concentration columns would have been populated with numeric limits. No changes to the permit limits are necessary.

5. For Outfall 002, the fact sheet states that phenolics, total chromium, and hexavalent chromium were granted a monitoring waiver because historic sampling has shown they are all non-detectable in the effluent. 40 CFR 122.44(a)(2)(i) states *"The Director may authorize a discharger subject to technology-based effluent limitations guidelines and standards in an NPDES permit to forego sampling of a pollutant found at 40 CFR Subchapter N of this chapter if the discharger has demonstrated through sampling and other technical factors that the pollutant is not present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger."* Therefore, we believe that both the sampling data collected during the current permit and the sampling data collected for the application should have been used in the determination of granting the waiver.

Our hardcopy files show this waiver has been granted since at least the 2005 renewal permit. Given that fact, there would be no sampling available, during the current permit cycle, to show the level, if any, of these pollutants in the discharge. The data that was relied on was past and present NPDES renewal application sampling. The following table shows even the influent mass (untreated) was less than the BAT (treated) allowances. This data supports the continuation of the sampling waiver. It also addresses EPA's comment no. 6, for this outfall.

2009 NPDES App.

	1 Influent Sample		3 Effluent Ave.	
	(µg/l)	(lb/day)	(µg/l)	(lb/day)
	Conc.	**Mass**	**Conc.**	**Mass**
Chromium, tot.	---	---	---	---
Chromium, hex.	<5	N.A.	<0.05	0.064
Chromium, tri.	<50	N.A.	0.006	0.007
Phenol, tot.	113	N.A.	0.01	0.013

Note: Since tot. chrom. was not sampled, estimate its' effluent level by adding hex. & tri.

2015 NPDES App.

	1 Influent Sample		3 Effluent Ave.		
	(µg/l)	(lb/day)	(µg/l)	(lb/day)	(lb/day)
	Conc.	**Mass**	**Conc.**	**Mass**	**BAT**
Chromium, tot.	111	0.4	<5	<0.02	3.2
Chromium, hex.	<50	<0.2	<50	<0.2	0.2
Phenol, tot.	120	0.4	52.3	0.18	0.55

The less than values are the Quantitative Levels (QLs) used when sampling
Note: The amount of effluent hex. chrom. cannot be greater than the tot. chrom.

6. It appears that the fact sheet does not include the reason(s) supporting the granting of the monitoring waivers for Outfalls 002 and 004. 40 CFR 122.44(a)(2)(iv) states *"Any grant of the monitoring waiver must be included in the permit as an express permit condition and the reasons supporting the grant must be documented in the permit's fact sheet or statement of basis."* Therefore, the reason(s) for granting the monitoring waiver for Outfall 002 should be provided in the fact sheet. Also, it is unclear whether or not the monitoring waiver for Outfall 004 was granted. Please provide an explanation in the draft permit and/or fact sheet.

The company did request a monitoring waiver for Outfall 004 and provided sampling data to support this request, as part of the NPDES renewal application. The Department determined that it was not necessary to grant this waiver.

In 2012 ARG's permit was amended to include these parameters because ARG wanted to treat 30 gpm of contaminated groundwater from the Foster Brook Tank Farm. At that time there was little or no data on the constituents in that groundwater. Furthermore, the treatment facility for this wastestream was not built yet. Therefore, no one knew what the effluent quality would be so the Department decided to choose a group of representative parameters (BPJ) to assess the proposed treatment technology. Three years later the renewal application comes in and a more precise evaluation of the data could be completed. This showed that the constituents are not in the effluent and/or modeling showed there was no reasonable potential to exceed the water quality criteria. This re-analysis proves a waiver is not applicable because the limits themselves are not necessary and have been removed from the permit.

7. It appears that there is no Part C.II in the draft permit. Please address all formatting issues.

The numbering problem has been addressed.